

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TONIA SCOTT,

Petitioner,

-against-

PIKE COUNTY CORRECTIONAL
FACILITY, *et al.*,

Respondents.

20-CV-3645 (CM)

TRANSFER ORDER

COLLEEN McMAHON, Chief United States District Judge:

Petitioner Tonia Scott filed this *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2254. Although the petition lists a Manhattan address for Petitioner, she purports to challenge a conviction from Pike County, Pennsylvania.¹ Pike County is located in the United States District Court for the Middle District of Pennsylvania. Accordingly, this action is therefore transferred, under Local Rule 83.3, to the United States District Court for the Middle District of Pennsylvania. *See* 28 U.S.C. § 118(b).

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket. The Clerk of Court is further directed to transfer this action to the United States District Court for the Middle District of Pennsylvania. Whether Petitioner should be permitted to proceed further without payment of fees is a determination to be made by the transferee court.² This order closes this case.

Because Petitioner has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

¹ Plaintiff is barred under 28 U.S.C. § 1651 from filing any new action *in forma pauperis* (IFP) in this Court without first obtaining from the Court leave to file. *See Scott v. New York State Dep't of Motor Vehicles*, ECF 1:17-CV-3517, 6 (S.D.N.Y. June 20, 2017).

² Petitioner did not submit an application for leave to proceed IFP.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: May 13, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge